

**BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer**

SWAN VIEW COALITION)
)
) Objector)
)
v.)
)
)
CHIP WEBER)
FLATHEAD FOREST SUPERVISOR)
) Responsible Official)

**NOTICE OF OBJECTION
PURSUANT TO
36 CFR 218**

DECISION OBJECTED TO:

Taylor Hellroaring Project Draft Decision Notice and Finding of No Significant Impact (hereafter TH, Project, DN and FONSI)
Chip Weber, Flathead Forest Supervisor, August 9, 2019.

Objector:

Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901
406-755-1379
keith@swanview.org



Keith Hammer
Chair

September 19, 2019
Date

Swan View Coalition is a non-profit conservation organization dedicated to conserving water quality and quiet, secure habitats for fish, wildlife and people on the Flathead National Forest and greater Flathead River Basin. Our members use these areas, including the Project area, for recreation, employment, wildlife viewing, photography, research, education, aesthetic enjoyment, spiritual rejuvenation, and other activities.

We attended the 4/6/17 open house for this Project. On 4/20/17 we submitted comments regarding the "Inadequate Regulation of Mountain Biking and Use of 'Stored' Roads in the NCDE," making specific references to the Project and asking that our letter be included in the Project administrative record. We reviewed the initial EA, and submitted comments on 1/22/18. We filed an

Objection to the Project on July 2, 2018, but never received a Response to that Objection. The Project was instead simply withdrawn with no explanation.

We submitted comments on the revised EA on 5/20/19, combined with our comments on the Hellroaring Basin Improvement Project (HBIP) EA - due to the major overlap in geography and effects of the two projects. We have read the Response to Comments contained in Appendix C of the TH DN and have reviewed the updated EA.

The Response to Comments fails to adequately address our concerns. Even more importantly, it fails to result in the substantive changes in the Project necessary to comply with laws, regulations and a reasonable code of ethics. We remain concerned that the TH Project and DN/FONSI will harm water quality, fish, wildlife, visual quality, and our members' interests.

We incorporate by reference the Objections submitted by Friends of the Wild Swan and Brian Peck in this matter, as well as our comment letters and prior Objection listed above.

EXECUTIVE SUMMARY

This Objection finds that the Flathead National Forest is engaged in the expansion and promotion of recreation with no adequate prior assessment of the effects on human safety and the environment. It has instead purged its Forest Plan of quantifiable methods and standards that measure and limit the displacement of wildlife by both motorized and non-motorized recreation. It has launched a number of projects, including Taylor Hellroaring, utilizing private "partners" to initially build some 79 miles of new recreational trails.

The Flathead is simultaneously rewarding its trail-building partners with Special Use Permits to conduct trail races that commercialize the promotion of the new trail systems and stand to raise up to \$30,000 in entrance fees for the first two trail-running competitions alone. It is ignoring grizzly bear experts' advice that trail-running and fast mountain biking greatly increase the risk to both people and bears - and advice that issuing Special Use Permits for such activities will undermine interagency public education efforts aimed at reducing these risks.

The Flathead has abandoned objectivity, fact and science in favor of the romanticized notion that people should take whatever risks they wish while recreating on public lands - as though they are the only ones that will suffer the consequences. It is purposefully ignoring the consequences to other people and wildlife of promoting an ever-expanding trail system - even though displacement of wildlife from both motorized and non-motorized trails has been well documented for decades.

Taylor Hellroaring, Hellroaring Basin Improvements, and other projects renege on prior commitments to maintain wildlife habitat security and scenic quality, in part by using fraudulent accounting procedures that run afoul of the law.

ORGANIZATION OF THIS OBJECTION

The initial DN and EA were for a TH Project issued under the old Forest Plan. The current DN and EA are issued under the revised Forest Plan, which we find lacks adequate management standards. No substantive changes were made to the DN and Project, however, so none of the relief sought in our initial Objection to the Project has been granted and no Response to our initial Objection was ever issued. Therefore, the issues we have raised in our Objection to the revised Forest Plan, our Objection to the Project under the old Forest Plan, and the Project under the revised Forest Plan remain valid and unresolved. The Forest Service is essentially sidestepping compliance with Forest Plan standards via a piecemeal dismissal of Forest Plan standards, our comments and our Objections.

We will focus this Objection on the failure of the Response to Comments (RTC) to adequately address or substantively resolve the issues we have raised. This Objection must be read alongside our 5/20/19 comments. That comment letter is appended to this Objection as Appendix A. Our prior Objection must also be read alongside this Objection, so we have appended it to this Objection as Appendix B.

Companion to this Project Objection is a DVD containing documents we submitted along with our Objection to the revised Forest Plan, our initial Objection to this Project, our 5/20/19 comments on this and the HBIP Project, as well as newer documents submitted with this Objection. The DVD includes our Forest Plan Objection in Folder 00 and the documents referenced in that and subsequent project Objections in Folders 01 - 38. Our subsequent Notice of Intent to file suit over the revised Forest Plan and our Court Complaint have been added to Folder 00. This Taylor Hellroaring Project Objection is included in Folder 0, along with other project Objections and comments. Finally, we have added a few more documents to the Folders on the DVD as referenced elsewhere in this Project Objection.

RELIEF REQUESTED

Rescind the DN and FONSI for the reasons stated in this Objection and prepare an adequate Environmental Impact Statement that addresses the deficiencies raised in this Objection and includes a full assessment of the Hellroaring Basin Improvement Project and its cumulative effects with Taylor Hellroaring and other past and reasonably foreseeable actions in the area.

Redo the Project area Travel Analysis as a larger scale analysis, to adequately assess the short- and long-term costs of building and maintaining a minimum road system that is truly sustainable in light of realistic budget expectations and all standards, goals and objectives for the maintenance of water quality, fish, wildlife, and other resources. Decommission any user-created bike trails and do not add any new bike trails to the Trail System.

Do not allow logging that compromises visual quality by numerous large logging units in violation of the old Forest Plan standards and objectives or the revised Forest Plan's Scenic Integrity Objectives.

Reinstate Amendment 19 into the revised Forest Plan and apply A19 also to the Lazy Creek Subunit to reduce confusion and increase protection of grizzly bear habitat in this area critical to linkage between the Whitefish Range and Salish Range. The Forest Service ownership in the Lazy Creek Subunit currently is a "no man's land" floating between A19 areas to the north and east and DNRC lands to the west wherein only DNRC's HCP applies, not A19. It is arbitrary and capricious to leave the FS ownership in this Subunit without adequate protections for grizzly bear.

STATEMENT OF REASONS

Grizzly Bear Security

RTC 142 (DN at C-64) essentially acknowledges that the revised Forest Plan "does not require maintenance of secure core or security levels that existed in 2011" and that the 2011 baseline can be tweaked and updated using the exemptions listed in FW-STD-IFS-02 and we presume elsewhere (Forest Plan at 64). This is an open admission that the baseline numbers do not and will not reflect the actual level of grizzly bear security, nor retain the level of the security that existed in 2011. This is contrary to the entire premise of the NCDE Grizzly Bear Conservation Strategy and the revised Forest Plan: that the 2011 security conditions that presumably brought about grizzly bear recovery will be maintained in the future.

Arguing that "Special Use Permit roads" need not be counted in calculations of open road density and total road density only confirms that the actual displacement of bears from those roads will go unaccounted for as security levels in fact decrease below 2011 levels. Even if such roads were discounted in the past, doing so in the future will degrade 2011 security levels as the number and mileage of roads on-the-ground increases under such exemptions, decreasing actual bear security. This phony numbers accounting system is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

"High-use" non-motorized trails will be allowed in Secure Core under the revised Forest Plan, whereas they were not allowed in Security Core under the former Plan, artificially inflating the amount of Secure Core and failing to maintain 2011 levels of bear security. Similarly, roads had to be decommissioned, no longer function as roads and be removed from the road system in order to not be counted in Total Motorized Route Density under the former Plan. Under the revised Plan however, they can remain on the landscape as a road with minimal blockage of the entrance and not be counted in TMRD (see our Forest Plan Objection, NOI and Court Complaint in Folder 00). This phony numbers accounting system is also arbitrary, capricious, an abuse of discretion, and not in accordance with law.

The TH EA (as well as the HBIP EA) acknowledges that all human activities can displace bears (and other wildlife) from preferred habitats and that such displacement can lead to reduced fitness or bear mortality (e.g. EA at 3-25, 3-128, 3-153, 3-154, and 3-175). Moreover, the TH EA (as well as the HBIP EA) finds that the HBIP Project's new ski lift maintenance roads and other subsequent activities would reduce the effectiveness of bear habitat security in Hellroaring Basin (EA at 3-159). The TH EA also finds "Construction and permittee's motorized use of [those new ski lift maintenance roads] could cause displacement of individuals, however, access conditions in the Canyon McGinnis subunit would not be affected by proposed activities" (EA at 3-159).

The above serves as an example of how the revised Forest Plan and Project EAs intentionally fail to quantify reductions in habitat security and displacement from roads and trails. They then conclude the projects and activities will not change numeric access conditions, knowing full well that is true only because the reductions in habitat security and increases in human access have been intentionally omitted from calculations of the access conditions.

It is meaningless, arbitrary and capricious to measure impacts to wildlife via miles of road and trail if the revised Forest Plan and Project EAs contain no enforceable standards limiting those miles of road and trail - which they do not. It is similarly meaningless, arbitrary and capricious to claim that "access conditions" will be returned to pre-project levels after the project (EA at 2-23 and 3-155) - knowing full well, for example, that habitat security effectiveness will remain reduced in Hellroaring Basin as well as across the project area due to trail displacement of bears acknowledged to be "long term and increasing over time" (EA at 3-159 and 3-154).

Put this in the context of the affected grizzly bear management subunits already failing to meet the 19/19/68 research benchmarks and the only rational conclusion is that levels of incidental take of grizzly bears will be excessive. FWS's BiOp on the revised Forest Plan is flawed and fails to rectify the flawed accounting of access conditions we describe above. The Forest Service cannot lawfully rely on that flawed BiOp. For more detailed discussion, see 2019-04-15 Doc. 1 Complaint.pdf and Notice of Intent.pdf in DVD Folder 00.

RTC 141 (DN at C-63) fails to address our comment, which was made about the cumulative impacts of the TH and HBIP Projects on Hellroaring Basin, where habitat security was to be maintained as mitigation for the prior expansion of the Ski Area elsewhere. It is unresponsive to simply say that "under this project, no roads would be constructed in the Hellroaring Drainage," when those roads would indeed be constructed under the HBIP Project.

Similarly, it is unresponsive to say "Neither Trail 2 nor Trail L5 would be constructed under Alternative 3" when they indeed would be constructed under the DN, in spite of their noted negative effects on wildlife and the promise to retain grizzly bear security in Hellroaring Basin. To conclude the two Projects can build two new chair lifts, two new roads and construct new bike trails in

Hellroaring while maintaining the level of grizzly bear security is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

It is similarly arbitrary and capricious to eliminate Trail L9 from the Hemlock drainage “which is considered important for wildlife species for security and as a travel corridor [noting it] would dissect wildlife habitat,” while allowing trails to be built in Hellroaring Basin - where habitat security is supposed to be maintained. (See RTC 64, DN at C-30).

RTC 142 (DN at C-64) is unresponsive in simply claiming there is a “lack of studies demonstrating population-level impacts associated with non-motorized trails.” That’s not the point. Our point is that neither the revised Forest Plan nor the EA account for, in a quantifiable fashion, the admitted displacement of bears from non-motorized trails. Nor do they contain adequate non-discretionary standards that limit those quantified impacts. Without a quantifiable accounting for that displacement, conclusions about the effects on bears is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

Amendment 19 at least tried to account for such high-use trails by buffering them out of Security Core, but the revised Plan and Project EA abandon A19 and replace it with no adequate accounting of displacement whatsoever, even while acknowledging that trails displace bears and can “dissect wildlife habitat.” (See RTC 64, DN at C-30). The new definition for Secure Core does not account for such displacement or dissection of habitat and allows for unlimited miles of high-use trails to exist without any measured effect to bears or buffering of those trails out of Core. By the time such nonsense results in documented population-level impacts, it will be far too late to prevent those impacts.

Moreover, FWS’s 5/4/18 BiOp for this Project is based on a misunderstanding that “the project would create 28 miles of new, non-motorized trails. Fifteen of those miles would follow existing open roads.” The DN, at 2 however, notes that the 15 miles of trails co-located on roads is in addition to the 28 miles of new trails. FWS’s BiOp and subsequent consultation documents are based on a misunderstanding and mischaracterization of the Project. FWS’s BiOp and Forest Service’s reliance on it is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

Ignorance of the Board of Review Report and Recommendations Following the Death of Brad Treat

The DN and EA ignore the importance of the interagency Board of Review Report and Recommendations following the death of Brad Treat when he collided with a grizzly bear while mountain biking at high speed (DVD Folder 14). The Flathead Forest Supervisor has demonstrated a similar disregard for the BOR reports and additional expert advice from its lead author, Dr. Chris Servheen (DVD Folder 36).

RTC 87 (DN at C-39) states “Seasonal trail restrictions were not analyzed in this project,” even while the EA acknowledges many of the proposed trails run through key grizzly bear habitats like huckleberry patches. The BOR report and recommendations expressly urge that trails not be located in such areas and that seasonal restrictions be considered to minimize grizzly-human encounters. To conclude the Project will not harm bears without firstly analyzing the need for and effects of seasonal trail restrictions is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

RTC 63 (DN at C-30) says Trail “L5 has been included in the selected alternative because of the stacked loop opportunity it would create” and in response to Flathead Area Mountain Bikers’ preference to establish directions of travel on those loops. Loop trails are well known to increase the levels of use and established one-way directions of travel will inevitably increase the speeds at which those trails will be biked due to an absence of oncoming traffic. This runs contrary to the BOR report and recommendations to design bike trails so they don’t encourage higher speeds. It also bears noting here that Forest Service Partner FAMB’s preferred approach is to instead displace the bears out of their habitat, as stated in Comment 63.

RTC 100 (DN at C-44) states “Servheen was quoted stating that mountain bikes ‘are a grave threat to bears’, but that assertion is not supported by the Board of Review documents he then cited.” This dismissal of Dr. Servheen’s comment ignores the BOR’s cautionary description of attempting to trap bears that have injured or killed a person (as was done in the Treat incident) and the political difficulty that ensues if the bear is not killed once it is caught. It also dismisses the significant experience and expertise Dr. Servheen and others have acquired through research and inquiry into numerous other grizzly-human encounters resulting in mortality. The Flathead NF has blinders on both in terms of the Treat incident, the BOR reports and the many other instances of bears being killed after they have injured someone simply in defense of themselves or their cubs.

Supervisor Weber Ignorant of Recreational Risks and Their Differences

As Deciding Officer for this Project, Supervisor Weber has shown himself unfit to objectively evaluate the relative risks of recreation and their potential harm to people and wildlife. His staff responsible for this Project demonstrates this same intentional ignorance of facts and likely outcomes. What follows is directly applicable to demonstrating the inadequacy of the Project DN and EA.

In response to public criticism of permitting ultra-marathon trail running races in bear habitat when multiple agencies advise against its increased risks, Supervisor Weber issued a 6/17/19 guest opinion to news outlets and via the Flathead’s Facebook page. In it he used non-comparative data to suggest mountain biking is safer than hiking when it comes to the risk of surprise bear encounters, going on to “suggest that we consider these different activities on an equal basis in the context of their relative risks when promoting recreation” (DVD Folder 36, OPINIONRisk and Recreation on Wildlands.pdf).

Supervisor Weber soon after issued a similarly misleading statement to the Interagency Grizzly Bear Committee (IGBC) on 6/25/19 (DVD Folder 36, Weber Statement to IGBC 190625.pdf). He then abandoned all objectivity by interjecting an emotional appeal from Brad Treat's widow, Somer Treat - into what should be a discussion based in fact and scientific research (DVD Folder 36, Somer Treat Letter FNF Facebook.pdf).

Supervisor Weber ignored and omitted the BOR's findings that negative encounters between bears and bikers are "disproportionately high" compared to those with hikers. He similarly ignored the source studies and data relied upon by the BOR. He also ignored the fact that, when someone drowns in a river, the government does not drain the river - but when someone runs into a bear and is hurt or killed, the government often kills the offending bear even if it was simply defending its cubs. All risks and their consequences are clearly not created equal.

Our responses to Supervisor Weber's pronouncements are located in DVD Folder 36, as SVC-Peck to IGBC on Risk.pdf and 190701 Response to Weber.pdf. The former of these two responses notes that Brad Treat is not the only mountain biker to broadside a grizzly bear. Rick Sinott found that 5 of the 18 bike-bear incidents he reviewed involved broadsiding the bear. What if these mountain bikers had broadsided a young hiker instead of a grizzly bear? Would Supervisor Weber still be defending their irresponsible behavior as some sort of romanticized risk-taking that is appropriate for public trails?

Grizzly bear expert Dr. David Mattson looked at available data and concluded "The percent of encounters that elicited some kind of aggressive response from involved bears is an astounding 14-times greater for mountain bikers compared to for pedestrians." (DVD Folder 35, Mattson_Effects of pedestrians on grizzly bears_GBRP-2019-3.pdf). Dr. Mattson continues, in this report largely focused on the displacement of and effects on bears from pedestrian activity: "The weight of evidence unambiguously supports concluding that mountain biking is far more hazardous for involved people and more impactful on affected bears compared to any other pedestrian activity with the exception of hunting. Given this perhaps self-evident verdict, it is not surprising that Parks Canada seasonally or permanently closed trails to mountain bikers several years ago in areas where chances of hazardous encounters were high . . ."

Dr. Mattson also notes "These results are not unexpected. As Herrero & Herrero (200) noted nearly 20 years ago, mountain biking is a perfect recipe for hazardous close encounters with grizzly bears given that bikers are often travelling silently at comparatively high speeds . . . which increases the odds of rapid closure prior to detection along with amplified reactivity among even highly tolerant bears." Rather than take the advice of Dr. Servheen and others seriously, Supervisor Weber chooses to instead dismiss it and instead romanticize risk-taking on public lands.

(https://missoulain.com/news/local/bears-bikes-and-risk-how-much-is-ok/article_a1fa7031-98f9-5a57-8c47-2484d93ea0f5.html)

His staff is following suit as indicated in RTC 100 and throughout the Project DN and EA. Just as Herrero and Herrero predicted that conflicts and encounters would occur between mountain bikers and bears, the available data and science predict such encounters will occur with the magnitude of mountain bike trail build-out being pursued in TH and other Flathead projects. To adopt Supervisor Weber's espoused attitude of letting people take the risks they want on a rapidly expanding trail system in grizzly bear habitat, as though bears will not also suffer the consequences, is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

We want to underscore here, however, that non-mechanized human uses of trails and roads also displaces bears and other wildlife, as noted in the Mattson paper described above. While humans can reduce the risk to themselves and wildlife by practicing slow-paced recreation, the FS must assess and limit recreation in order to limit the displacement of bears and other wildlife. We've included in DVD Folder 14, Wisdom et al 2018.pdf, which finds:

Distances between elk and recreationists were highest during ATV riding, lowest and similar during hiking and horseback riding, and intermediate during mountain biking. Our results support the hypothesis that elk avoid trail-based recreation similarly to their avoidance of roads open to motorized traffic on public forests.

In TH and the other numerous projects we mention in this Objection, the Flathead is hell-bent on the expansion and promotion of recreation as though there will be no costs to human safety or the wellbeing of wildlife. It is not sufficient to acknowledge that even non-motorized human recreation displaces bears, elk and other wildlife (EA at 3-175), then fail to adequately quantify both risk and displacement, and to then fail to limit those quantified risks and displacement via mandatory Forest Plan standards.

Failure to Adequately Assess Cumulative Effects

RTC 48 (DN at C-25) is unresponsive. It instead plays coy as though our comments have not made clear the numerous projects and programs we feel are not being adequately assessed for their cumulative effects. In our 4/20/17 letter submitted for the TH and Hungry Lion projects (as well as the draft revised Flathead Forest Plan, draft NCDE Grizzly Bear Conservation Strategy, and FWS's habitat-based recovery criteria for the NCDE), we made clear the Flathead was failing to adequately assess and control the impacts of mountain biking and the human use of "stored" roads.

Our 5/20/19 comments also make clear that the Flathead is using public-private partnerships to greatly increase its trail system and is rewarding those partners with Special Use Permits to raise funds via commercial and competitive trail-running races. The Flathead knows full well it has over 79 miles of trail proposed for construction or being constructed under the Hungry Lion, TH, Bug Creek,

and Crystal Cedar projects alone. We provide a tally of these trail miles in DVD Folder 14, Bike Trails Flathead NF.pdf.

Nowhere has the Flathead conducted a cumulative effects analysis of the impacts of this trail system, the current awarding of Special Use Permits for trail-running races and resulting commercial promotion of the trail system, nor the reasonably foreseeable issuance of Special Use Permits for mountain bike races and resulting commercial promotion of the trail system as a reward to the Flathead's trail-building mountain bike partners. In spite of RTC comments to the contrary, such a cumulative effects analysis is absent from EA Chapter 3.

We include pertinent documents from the 2019 issuance of such SUPs in DVD Folder 38. The Foy to Blacktail permit decision authorizes up to 100 participants, which FTB intends to charge \$100 each. The Whitefish Legacy Partners permit authorizes up to 200 participants, which WLP intends to charge \$100 each. Hence, these permits are worth up to \$30,000 in fundraising for these trail-building partners via permits that allow for the commercial promotion of these trails. Neither permit requires race participants to even carry bear spray.

These permits are being issued over the objections of grizzly bear experts like Dr. Chris Servheen and over the objections of Swan View Coalition, who see the permits as promoting risky behavior in bear habitat that undercuts public programs trying to educate people to not run or bike fast in bear habitats. Nowhere has the Flathead NF assessed the cumulative impacts of issuing permits that promote such risky behaviors in conjunction with the building and commercial promotion of an expanded trail system. To conclude that the Flathead's trail building, permitting and promotional initiatives will not have significant cumulative impacts to bears and other aspects of the human environment is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

RTC 42 and 49 (DN at C-21 and C-25) claim to have adequately assessed the cumulative effects of the TH and HBIP and the WLP Ultra-Marathon SUP by including them in Cumulative Effects Table 1 (EA at 3-3). CE Table 1 merely lists the projects and does not assess their cumulative effects. Nor are their cumulative effects adequately assessed and disclosed elsewhere in the EA. For example, the term "ultra-marathon" appears nowhere in the EA except in CE Table 1. To claim there are no significant cumulative impacts to the human environment, when no such assessment has been made, is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

RTC 41 (DN at C-21) is unresponsive in dodging the fact that mountain bikers continue to pressure the Flathead to construct all 40 miles of trails included in the initial proposed action - and that the Flathead has ceded to that pressure by including some trails for mountain bikes in spite of their marked negative effects on wildlife, including in Hellroaring Basin. RTC 63 from Flathead Area Mountain Bikers, notes that Trail "L5 has been included in the selected alternative because of the stacked loop opportunity it would create." This in

response to FAMB's request that "L5, in conjunction with L3 and L6, create[] a series of stacked loops that stretch from Hellroaring Creek to the ridgeline. We anticipate that these will be the most popular trails in the network, and they'll receive the most use." This is a clear concession to FAMB, in Hellroaring Basin no less, where bear security is supposed to be maintained.

Similarly, CE Table 2 notes "A trail addition to the Whitefish Trails system has occurred with a trailhead in the Haskill Basin area which could eventually link to NFS lands." What the DN and EA fail to note is that it is this very trail connectivity that is being utilized and commercially promoted by the Whitefish Legacy Partners Ultra-Marathon via the Special Use Permit granted by the Flathead NF for the trails within its jurisdiction! So what's this "could eventually link to NFS lands?" (See DVD Folder 38, Special Use Permits Scoping June 12 2019.pdf for a map showing the already existing connectivity of the Haskill Basin trails with Whitefish Mountain Resort and FS trails and roads).

It is also no stretch to regard the above trail inclusions and SUP as favors to partners willing to help build the trail system. FAMB is a FS trail-building partner in Hungry Lion and is publicly announcing itself as a trail-building partner in TH. Numerous FAMB email alerts and fundraising announcements directly tie FAMB to TH. (See DVD Folder 37, 190814 FAMB Taylor Hellroaring Draft Decision.pdf and 190827 Support FAMBs Flathead Trail Crew.pdf for examples). The latter states: "Every donation - no matter how small - will help our Flathead Trail Crew conduct essential maintenance work on existing trails, and will help us build trails around the valley like the newly approved Taylor Hellroaring project."

It is also no stretch to assume FAMB or other mountain bike advocates will later be issued a Special Use Permit to conduct mountain bike races on the TH trails in order to raise money via entrance fees and to commercially promote use of the trails. Supervisor Weber heaps his praise upon "partner" Whitefish Legacy Partners in DVD Folder 36, Weber Statement to IGBC 190625.pdf.

Failure to Adequately Protect Visual/Scenic Quality

RTC 90 (DN at C-40) is unresponsive to our request to include a map of Scenic Integrity Objectives in the EA, as was done in the HBIP EA. It instead notes that such a map can be found in Project File Exhibit I-4, which on the Flathead requires a Freedom of Information Act request to secure. We did obtain Exhibit I-4 and find it incomparable to the SIO map in the HBIP EA. It is of entirely different scale and the color-coding for the various SIOs has been changed/largely reversed.

NEPA requires a full and fair discussion of environmental impacts in its NEPA documents, not a scattered assortment of "exhibits" that the public may or may not be able to decipher. We cannot decipher the cumulative effects to the public's scenic resources from the HBIP and TH EAs, other than to conclude that SIOs under the revised Forest Plan will not be met even though those SIOs have been

downgraded, largely from “high” to “moderate.” To downgrade SIOs in order to then conclude they will be met “in the long term” ignores the actual impacts to scenic quality (which includes not meeting SIOs in the short term) and is arbitrary, capricious, an abuse of discretion, and not in accordance with law.

APPENDICES

As mentioned at the outset of this Objection, our prior comments and TH Objection must be read alongside this Objection in order to grasp the additional detail they provide. They are attached as Appendix A and B. Please continue and read them in full.

Appendix A: SVC’s 5/20/19 comments on the Taylor Hellroaring and Hellroaring Basin Improvement Project EAs.

Appendix B: SVC’s 7/2/18 Objection to the Taylor Hellroaring Project.

Swan View Coalition Nature and Human Nature on the Same Path



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May 20, 2019

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Re: Comments on the Taylor Hellroaring and Hellroaring Basin Improvements EAs
Submitted as PDF via comments-northern-flathead-tally-lake@fs.fed.us

Dear Ms. MacKenzie and Ms. Bennett;

Please accept into the public record these comments on the Taylor Hellroaring Project (THP) EA and the Hellroaring Basin Improvements Project (HBIP) EA. We've combined our comments for both Projects because of the major overlap in geography and effects.

We incorporate by reference all comments and materials we submitted previously on the THP and those submitted on our behalf by Friends of the Wild Swan and WildEarth Guardians - including our Objection to the THP. There is no good reason to retype all of that here, given the THP is again proposed as essentially the same THP we already commented on. Our prior concerns still apply and have not been resolved by the new EAs or revised Forest Plan. We incorporate by reference the comments being submitted on these new EAs by Friends of the Wild Swan and Brian Peck. We will hand-deliver a DVD of supporting documents and will herein refer to specific documents using the format: DVD Folder XX, Filename.

Executive Summary - A Trail of Broken Treaties

When it released its revised Forest Plan in December 2018, the Flathead National Forest purged it of enforceable management standards that protected grizzly bears and hillside visual quality. The prior 1986 Plan prohibited large logging units that would look ugly on places like the Whitefish Face. It also prohibited any expansion of the Forest's road and high-use trail network in order to protect grizzly bear security.

The THP Decision in May 2018 admitted it would violate the prior Plan's visual quality standards with 13 oversized logging units. However, it reduced the miles of mountain bike trail construction from 40 to 28 in part to avoid increasing high levels of human use into grizzly bear security core (where motorized and high-use non-motorized trails are prohibited under the 1986 Plan).

EXHIBIT A

Faced with formal Objections from Swan View Coalition and others, the Flathead withdrew the THP and recently reissued it for public review and comment under the revised Forest Plan. Absent the old visual quality standards, the 13 oversized logging units no longer violate the revised Plan. Absent the prior limits on high-use trails in grizzly bear security core, the Flathead is now again being pressured by area mountain bikers to build the full 40 miles of bike trails.

The May 2018 THP Environmental Assessment (EA) noted on page 3-183 that “Maintenance of habitat security for grizzly bears in the Hellroaring drainage through limitations on human activity was a mitigation measure of the 1995 Big Mountain Expansion . . . because little other unroaded habitat exists in the southern end of the Whitefish Range.” The April 2019 THP EA, revised to reflect the revised Forest Plan, remarkably omits this mention of the 1995 promise to maintain Hellroaring Basin’s bear security.

And simultaneous with the THP EA, the Flathead has released its HBIP EA for public review. In addition to bike trails the THP would build in Hellroaring Basin, HBIP would build ski lifts in two new locations there, along with permanent service roads, and clear new ski runs and glades. The April 2019 THP EA notes of the HBIP on page 3-156 that grizzly bear security “effectiveness would be reduced by the reduction of hiding cover, ski-area maintenance activities, and a possible increase in huckleberry picking and other human uses.”

To add insult to injury, the Flathead is using public-private partnerships to implement these projects and is using them for political cover. The April 2019 THP EA gives credit to the Whitefish Range Partnership’s Whitefish Face Working Group for initiating a collaborative proposal for the area. Page 3-65 of the EA states: “Whitefish Legacy Partners have [] established a trail system in the valley bottom with several in-town and near town trailheads that connect private, city, and state lands and will eventually connect to NFS lands.”

On April 9, 2019 the Flathead issued a Special Use Permit for the Whitefish Legacy Partners to run a 200-person ultra-marathon running from Whitefish to the top of Big Mountain - a shameless promotional stunt at odds with wildlife biologists that say trail running and high-speed mountain biking put both people and bears at unnecessary risk - without the public review required by law. (See DVD Folder 14, Beacon on WLP Ultra-Marathon 190418.pdf).

Simply put, the Flathead is using public-private partnerships to green-wash its trail of broken promises. Simultaneously, it is using its gutted Forest Plan to allow unsightly logging and promote levels of recreational use and road retention not allowed under the old Plan, while evading adequate public and environmental review of all connected and cumulative actions

Previous Comments, Project Issues and Forest Plan Issues

The revised Flathead Forest Plan is premised on maintaining the levels of grizzly bear security that existed in 2011. Hence, each project implemented under the revised Plan

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must also do this. Neither the THP nor HBIP will do so and will in fact decrease grizzly bear security.

In our collective previous comments on the THP, we provided the rationale for how allowing high-level human use of trails in Secure Core under the revised Plan decreases grizzly bear security for the same reasons it was prohibited in Security Core under the old Plan. We also describe how simply storing roads as ISS does not render them secure nor qualify them to be dismissed from Total Road Density. Doing so, under less rigorous reclamation and decommissioning requirements than those in the old Plan, decreases grizzly bear security. Our prior comments on the THP are located in DVD Folder 10 and in Folder 14, Bikes-Trails-Roads NCDE.pdf.

We also detailed these issues in our Objection to the THP. It is in DVD Folder 0. The supporting documents in the Objection DVD are also included in the same Folders on the DVD that accompanies these THP and HBIP comments. The Forest Service never answered our Objection and instead simply withdrew the draft DN, leaving the public to wonder. Our Objection is now included as comments on the new EA, so please respond to it and our questions about how the THP or revised Plan could possibly maintain the grizzly bear security present in 2011.

We also incorporate by reference our Objection to the revised Flathead Forest Plan (DVD Folder 00) because neither the THP nor HBIP EA describes how the projects and Revised Plan will maintain the grizzly bear security present in 2011. Instead, they lie about it.

Lie and Cheat

The HBIP would build a couple miles of new Forest Service road into Hellroaring Basin to service new chair lifts, then simply gate the roads shut to the public. This will increase Total Road Density above what existed in 2011, which violates Amendment 19 in the old Plan and also violates the revised Plan! So the HBIP EA, at 78, simply cheats:

Roads permitted to the Resort are regarded as private roads when considering FW-STD-WL-03 (p. 50), FW-STD-IFS-02 (p. 65), and FW-STD-IFS-03 (p. 65-66) . . . Even so, construction and permittee's motorized use of approximately two miles of new road could cause additional, but short-distance, displacement of individual bears.

None of the referenced STD's (standards) allow for Forest Service roads on Forest Service land to be regarded as private roads. Nor does the long history of IGBC and Flathead NF/Kathy Ake protocols for calculating TRD. Simply gating a road does not allow that road to be omitted from calculations of TRD (revised Plan glossary and THP EA at 2-21 and 3-153).

The EA attempts to hide the increase in TRD by lying that these are private roads that can be omitted from calculations of grizzly bear impacts, while simultaneously admitting that these roads will continue to displace grizzly bears! The EAs must detail where the revised Forest Plan indicates that Forest Service roads on Forest Service lands

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can be omitted from TRD by being regarded as “private” - and where this is justified by the best available science. Where does it do this?

Moreover, like the May 2018 THP EA (but remarkably not the April 2019 THP EA) the HBIP EA notes on page 79 “Maintenance of habitat security for grizzly bears in the Hellroaring drainage through limitations on human activity was a mitigation measure of the 1995 Big Mountain Expansion record of decision.” Yet the HBIP would build in Hellroaring Basin two ski lifts and their new service roads, while reducing hiding cover by clearing ski runs and glading. Thus, according to the THP EA at 3-156, grizzly bear security “effectiveness would be reduced by the reduction of hiding cover, ski-area maintenance activities, and a possible increase in huckleberry picking and other human uses.” And, according to the HBIP EA at 80, in the THP “one section of [new] Trail 2 would switchback down from the southern ridge into the lower [Hellroaring] drainage and has the potential to affect grizzly bear security in this area.”

The above cannot be considered to be maintaining grizzly habitat security in Hellroaring Basin pursuant to the requirements of the 1995 Big Mountain Expansion decision or as required by the revised Forest Plan. What is clear is that the Forest Service erred previously in allowing Chair 8 to be constructed in the lower Hellroaring Basin, where it suffers from inadequate snow early in the ski season and is hence now proposed to be removed.

The HBIP would remove this errant ski lift, but then essentially trash the Basin, especially the mid and upper portions, by constructing two ski lifts, building and retaining their service roads, and by reducing wildlife hiding cover by clearing ski runs and glading. From a bear’s perspective, this is hardly a Basin Improvement Project! And, from the perspective of the desired future condition, it hardly “provides higher levels of grizzly bear habitat security,” especially in light of the proposal to build THP Trail #2 there as well. (See GA-SM-MA7-Big Mtn DC; Forest Plan at 135).

The EAs must be combined into a single EIS and include analysis of an HBIP alternative that removes the chair lift from Hellroaring Basin and reclaims the ski runs without building new ski lifts, service roads, ski runs, or glades. The focus of such an alternative would be to retain and restore grizzly bear and other wildlife security in Hellroaring Basin and to honor the mitigation required in the 1995 Big Mountain Expansion decision. That would be an improvement project.

Inadequate Cumulative Effects Analyses

We cannot find in either the THP or HBIP EA where they identify which THP alternative is being considered for the purposes of cumulative effects. The HBIP EA, on page 79 for example, states “The proposed Taylor Hellroaring Project [has been] incorporated in the existing condition tables and project effects analysis, above . . .”

However, the THP has not yet been implemented nor an alternative selected in a draft DN based on the revised Forest Plan and April 2019 EA, so what are the actual existing and proposed conditions? And which THP alternative is being used to assess changes in those conditions?

Conversely, neither the THP EA nor the HBIP EA include the increase in TRD that will result from the construction of some 2 miles of new Forest Service ski lift service roads in Hellroaring Basin. Nor does either EA discuss or propose road decommissioning amounts adequate to offset the new roads in Hellroaring Basin.

Instead, the THP would rebuild previously decommissioned roads and return them to the Forest Road System, but not count them in TRD. This in addition to not counting the new ski lift service roads in TRD either and allowing bike trails on roads not counted in TRD! (THP EA 2-21). These issues are detailed in our prior THP comments (DVD Folder 10 and in Folder 14, Bikes-Trails-Roads NCDE.pdf), THP Objection (DVD Folder 0), and in our Forest Plan Objection (DVD Folder 00)).

The cumulative effects analysis in both EAs is flawed and inadequate. These two projects need to be assessed in a single EIS. They make significant departures from prior plans and commitments, have significant overlap in time and place, and will have significant effects on the environment.

Promotion of Human Uses of Grizzly Habitat

The HBIP EA, at 22-23, states “In order to reduce wildlife impacts, spring, summer, and fall recreation in the Hellroaring Basin, excluding Road 9790 and the proposed Taylor Hellroaring Project trails, would not be promoted by the Resort.” So even the Resort will be allowed to promote human use of Road 9790 and the proposed THP trails. Other folks are also apparently free to promote such use, along with promoting foot traffic on the new service roads and huckleberry picking in the ski runs and glades in Hellroaring Basin!

Where in either EA does the Forest Service acknowledge it is willing to issue Special Use Permits for its Partners to run ultra-marathons and mountain bike races in order to promote the trails they advocate for and perhaps help build? TLRD issued just such a permit on March 9, 2019, to Whitefish Legacy Partners for a 200-participant ultra-marathon from Whitefish to the top of Big Mountain - with no public scoping, review or comment whatsoever! (See DVD Folder 14, TAL344_Ultra_signed_permit.pdf) SLRD is considering issuing a similar ultra-marathon to Foy's to Blacktail so it can double the number of participants and charge entrance fees while promoting the trail system it has been involved in - thus far also with no public scoping whatsoever.

The THP EAs are somewhat candid about concerns that new bike trails and connecting trails would raise non-motorized human use levels enough to violate grizzly bear Security Core in Smokey Range and elsewhere - though such high levels of use would no longer run afoul of Secure Core as defined in the revised Forest Plan. We can find nowhere in these EAs, however, where the Forest Service discusses its role and policy in issuing Special Use Permits that not only promote increased use of these trails, but also promote dangerous human activities that the agency otherwise warns against: trail running, ultra-marathons, fast mountain biking, and mountain bike racing.

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Recommendations “made in various forms by all state and federal agencies to people in grizzly habitat” include:

Don’t Run . . . jogging in bear country increases the odds of surprise encounters at close distances and surprised bears are more likely to be aggressive.

Slow Down - Encounters with bears are much more likely to occur when riding at high speed. Surprised bears are more likely to be defensive and to cause injury to bike riders.

(See the two BOR Reports stemming from the death of Brad Treat when he slammed into a grizzly bear while mountain biking at high speed, in DVD Folder 14). Please note that the TLRD wildlife biologist and former Spotted Bear District Ranger were co-authors of those BOR Reports. The permitting of ultra-marathons and mountain bike races must be included in the cumulative effects and connected actions analyses for the THP and HBIP and it must be made clear that permitting such events runs counter to the advice the Forest Service and other agencies provide for minimizing grizzly-human conflicts.

It must also be disclosed that giving Special Use Permits to Forest Service Partners, with no public review and contrary to other agency advice, allows the Partners to make money running larger ultra-marathons and bike races in what must appear to the public to be sweetheart deals. Indeed, the Forest Service itself has identified this potential pitfall in its Public-Private Partnership Strategy (DVD Folder 14, USFS Public Private Strategy 2011.pdf):

Laws and ethical guidance surrounding partnerships can be complicated and limiting, particularly as we explore relationships with for-profit entities, issues of endorsement, and relationships with those organizations we also regulate.

If the Flathead intends to issue Special Use Permits to its Partners and others so they can make money and promote increased human use of trail systems in the habitats of threatened and endangered species, NEPA requires analysis of those impacts in the NEPA documents that plan to build and maintain such trail systems in the first place - such as the THP. This is doubly true when the permitted activity is an ultra-marathon, mountain bike race, or other activity that promotes speed that in turn increases the risk of harm to people and protected species of wildlife.

The THP EA, on page 3-146, notes: “[Revised Forest Plan] Desired condition GA-SM-MA7-Big Mtn-DC-06 promotes a connective nonmotorized trail system linking the Whitefish Legacy Trails to NFS lands near the summit of Big Mountain and the Whitefish Divide . . .” The Special Use Permit already issued to Whitefish Legacy Partners is clearly aimed at achieving such promotion. It must be withdrawn and be subject to full public review and comment, as well as the NEPA analysis outlined above.

The THP EA, on page 3-151, makes clear that the new trail system “displacement [of grizzly bears] would be long-term and increasing over time.” The EA fails to square this fact and the above Desired Condition with the keystone promise that the revised Plan

and projects implemented pursuant to it will maintain the grizzly bear habitat security that existed in 2011.

Consultation with Fish and Wildlife Service Effects on ESA Listed Species

Based on responses from the Flathead, it has not prepared a revised Biological Assessment for the THP now that it is being analyzed under the revised Forest Plan and its different metrics, objectives and desired conditions for listed species. Instead, the Flathead sent us a letter it sent FWS on March 13, 2019 indicating the effects determinations for listed species had not changed and that the THP “would be consistent with all plan components” related to listed species. (DVD Folder 10, fs_response_svc_TaylorHelloaringBAs_incls_records.pdf)

How does the Flathead know the effects determinations won’t change using the new Forest Plan analysis metrics, objectives and desired conditions if it doesn’t prepare a revised BA applying them in order to find out? That is the major purpose of a BA, isn’t it; to determine the effects on listed species?

The Flathead did not send us a letter indicating that FWS has concurred with the Flathead’s March 13, 2019 letter. This, however, is beside the point. Reissuing the THP under the revised Plan is a major change in the circumstances requiring a re-initiation of formal consultation based on a revised BA and resulting in a revised FWS BiOp. This has not been done.

Page 3-153 of the THP EA finds “Access conditions in the affected subunits do not currently and will not at project completion meet research benchmarks.” This means that there will be incidental taking of grizzly bear and that means a revised Incidental Take Statement from FWS is required.

Moreover, as explained above under Lie and Cheat, the analysis of cumulative effects in both the THP and HBIP EAs is flawed in not indicating that TRD will be increased by the construction of ski lift service roads in Hellroaring Basin (which will be simply gated to bikes and unauthorized motor vehicles and not reclaimed or even made impassable to motor vehicles, yet nonetheless be omitted from TRD). While we don’t know the status of consultation over the HBIP, the FS cannot rely on FWS going along with this lie because the FS is responsible for its own legal compliance (and ethics).

We also see on page 17 of the HBIP that road and bridge construction in Hellroaring Basin would be allowed “between June 1 and November 30.” Since when are such activities allowed prior to July 1 in grizzly habitat? Why are only “maintenance” activities restricted “between July 1 and November 30?” (HBIP EA at 22).

Scenic and Visual Quality

As stated in the earlier Executive Summary, the THP would violate the old Forest Plan’s visual quality standards with 13 oversized logging units. The Flathead attempts to

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sidestep this problem by issuing a revised Plan that removes those standards and lowers the goal posts so big logging units don't seem to be a problem. This violates the Flathead's duty to protect scenic and visual quality in this landscape!

The HBIP EA provides maps on pages 50 and 51 of the Existing Scenic Integrity of the Big Mountain area and the lowered Scenic Integrity Objectives, respectively. This at least allows the public to see that the revised Plan allows for the majority of the area to be degraded from High Scenic Integrity to Moderate Scenic Integrity.

The THP EA contains no such map, even though it is this Project of the two that will most significantly degrade scenic integrity via logging. While pages 3-42 through 3-48 describe what logging units meet or don't meet the Scenic Integrity Objectives (SIO) in the short or long term, it is impossible to get a clear picture of where the scenic offenses will be committed without a clear scenic integrity map in the THP EA.

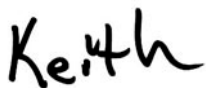
What is clear, however, is that the "possible effects include discernable deviations that may dominate the scenic character. These acres may not meet their SIO in the short term . . . Units 22 and 30 are adjacent to on another creating the potential for a visible opening of ~90 acres . . ." etc. (THP EA at 3-43 and 3-44).

So, much of the logging won't even meet the revised Plan's SIOs, particularly in the short term! But this is not a problem for the Forest Service because the old Plan's Visual Quality Standards (that must be met) have been replaced with SI Objectives (which don't have to be met). In other words, degradation of the public's scenery is given the green light in the revised Plan and THP. We prefer the No Action Alternative: "If no action is taken there would be no significant direct effects to the scenic character in the short or long term." (THP EA at 3-42).

These two projects demonstrate that the Flathead intends to use its revised Forest Plan to grease the skids for increased logging and recreational development, leaving in its wake a trail of broken promises it has made to the public and its wildlife and scenic resources. The Flathead has also made clear that it will use public-private partnerships and Special Use Permits to promote and green-wash its agenda.

Thank you for this opportunity to comment.

Sincerely,



Keith J. Hammer
Chair

Enclosure: A DVD of supporting documents will be hand delivered to the TLRD office.

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**BEFORE THE OFFICE OF THE REGIONAL FORESTER
REGION ONE – USDA FOREST SERVICE
Objection Reviewing Officer**

SWAN VIEW COALITION	)	
	Objector)	
	)	
v.	)	NOTICE OF OBJECTION
	)	PURSUANT TO
	)	36 CFR 218
CHIP WEBER	)	
FLATHEAD FOREST SUPERVISOR	)	
Responsible Official)		

DECISION OBJECTED TO:

Taylor Hellroaring Project Draft Decision Notice and Finding of No Significant Impact (hereafter Project, DN and FONSI)
Chip Weber, Flathead Forest Supervisor, May 2018.

Objector:

Swan View Coalition
3165 Foothill Road
Kalispell, MT 59901
406-755-1379
keith@swanview.org



Keith Hammer
Chair

July 2, 2018
Date

Swan View Coalition is a non-profit conservation organization dedicated to conserving water quality and quiet, secure habitats for fish, wildlife and people on the Flathead National Forest and greater Flathead River Basin. Our members use these areas, including the Project area, for recreation, employment, wildlife viewing, photography, research, education, aesthetic enjoyment, spiritual rejuvenation, and other activities.

We attended the 4/6/17 open house for this Project. On 4/20/17 we submitted comments regarding the "Inadequate Regulation of Mountain Biking and Use of 'Stored' Roads in the NCDE," making specific references to the Project and asking that our letter be included in the Project administrative record. We reviewed the initial EA, and submitted comments on 1/22/18.

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We have read the Response to Comments contained in Appendix 3 of the DN and have reviewed the updates made to the EA, as listed in the DN. This required a side-by-side comparison of the two EAs because the DN at best referenced changes to page numbers in the January EA and provides no page numbers for where those pages ended up in the May EA (often several pages displaced). At worst, many of the page numbers provided match up with neither EA. Similarly, the Response to Comments referenced mostly alternatives in the January EA, rather than the Selected Alternative in the May EA, and the May EA includes maps for only the Selected Alternative.

That said, the Response to Comments otherwise fails to adequately address our concerns and even more importantly fails to result in the substantive changes in the Project necessary to comply with laws and regulations. We remain concerned that the Taylor Hellroaring Project and DN/FONSI will harm water quality, fish, wildlife, and our members' interests.

We incorporate by reference the Objections submitted by Friends of the Wild Swan, Alliance for the Wild Rockies, Native Ecosystem Council, and WildEarth Guardians in this matter, as well as our comment letters listed above.

ORGANIZATION OF THIS OBJECTION

We have an Objection to the revised Flathead Forest Plan pending before the Regional Forester. That Objection contends not only with inadequacies of the revised Plan, but inadequacies in how the Flathead is currently implementing the existing Forest Plan and its Amendment 19. The Taylor Hellroaring Project would improperly apply the existing Forest Plan and A19 in ways described in our Forest Plan Objection, so we incorporate it as a part of this Project Objection.

Companion to this Project Objection is a DVD containing the documents we submitted along with our Forest Plan Objection. The DVD includes our Forest Plan Objection in Folder 00 and the documents referenced in that Objection in Folders 01 - 29. This Taylor Hellroaring Project Objection is included in Folder 0 and we have added a few more documents to the Folders on the DVD, as referenced in this Project Objection.

RELIEF REQUESTED

Rescind the DN and FONSI for the reasons stated below and prepare an adequate Environmental Impact Statement that addresses the deficiencies raised in this Objection. Redo the Project area Travel Analysis as a larger scale analysis, to adequately assess the short- and long-term costs of building and maintaining a minimum road system that is truly sustainable in light of realistic budget expectations and all standards, goals and objectives for the maintenance of water quality, fish, wildlife, and other resources. Decommission any user-created bike trails and do not add any new bike trails to the Trail System.

Do not allow a site-specific amendment that compromises visual quality by numerous large logging units in MA-7. Instead issue an amendment that applies A19 to the Lazy Creek Subunit to reduce confusion and increase protection of grizzly bear habitat in this area critical to linkage between the Whitefish Range and Salish Range. The Forest Service ownership in the Lazy Creek Subunit currently is a “no man’s land” floating between A19 areas to the north and east and DNRC lands to the west wherein only DNRC’s HCP applies, not A19. (EA at 3-183). It is arbitrary and capricious to leave the FS ownership in this Subunit without adequate protections for grizzly bear.

STATEMENT OF REASONS

Executive Summary

The DN and EA are rife with contradictory statements, leaving the public to wonder which ones to believe and which not. Overall, the documents attempt to reassure us that Forest Plan Amendment 19 will be faithfully implemented in the Taylor Hellroaring Project, while they simultaneously argue a different interpretation of the science that is the basis for A19 (as does the revised Forest Plan) and that A19 does not apply to portions of the Project area.

A19 has not been faithfully implemented on the Flathead, especially since 2011, as described in our Roads to Ruin report and its various supplements, as well as in our Forest Plan Objection (provided in DVD Folders 04 and 00, respectively). The Flathead, and GV-HHRD in particular, unlawfully rendered a number of roads “impassable” to motor vehicles by removing only a few of the many stream-aligned culverts that A19 says must be removed before the road can be considered “reclaimed” and omitted from calculations of Total Motorized Route Density (TMRD) following re-vegetation. Yet the Flathead omitted these “impassable” roads from TMRD anyway - until we caught it doing so, threatened a lawsuit, and brought about a 2017 field survey that found 13 of these 78 “impassable” roads indeed had numerous stream-aligned culverts left in place! (See DVD Folders 04 and 20).

Now, the Flathead wants us to believe it will comply with A19 even though the EA and DN largely continue to focus on simply rendering roads “impassable” to motor vehicles in order to omit them from TMRD, as though “impassable” is synonymous with “reclaimed” and includes making them impassable to non-motorized human use - and while continuing to argue that reclaimed roads need not be removed from the “system” or re-vegetated to be omitted from TMRD.

Similarly, the DN and EA on the one hand acknowledge that high levels of non-motorized human use on proposed bike trails disqualifies habitat from being Security Core. On the other hand, the DN argues that displacement of grizzly bears by non-motorized human use is not a primary concern until it is demonstrated to cause “disproportionate grizzly bear mortality or population declines.” (See DN at 91).

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The goal of the Forest Plan and A19 is to limit grizzly bear displacement in order to limit bear mortality and its effects on the population, not to allow displacement until that mortality causes a perceptible population decline. The DN and EA repeatedly omit mention of A19's emphasis on ensuring that reclaimed roads physically prohibit their use as non-motorized human trails. They instead repeatedly emphasize that reclaimed roads need only be impassable to motorized use and propose to add 28 miles of high-use bike trails into the trail system, with some of them apparently on road templates stored as ISS and "reclaimed."

Taylor Hellroaring is one more project in which the Flathead wants us to believe it will faithfully implement A19 while simultaneously arguing that it need not do so. We object to the Flathead's circa 2011 reinterpretation of A19 and how it is to be implemented in the Project (see our Forest Plan Objection in DVD Folder 00).

The Taylor Hellroaring Project complicates matters further by simultaneously claiming A19 applies to the entire project (DN at 4; ISS roads will "meet the definition of reclaimed in accordance with A19") and that A19 does not apply to the Lazy Creek Subunit (DN at 7 and 91), even though that is where most if not all of the ISS roads are.

A. Roads

The Taylor Hellroaring Project would add historic roads back into and add new trails into the Forest System when the Forest Plan, law, budget concerns, and environmental concerns all say it should not. While the DN's Response to Public Comments attempts to allay our concerns with words and promises, the text of the EA remains unchanged and fails to insure that reclaimed roads no longer function as a road or trail, motorized or non-motorized.

Why should we believe that reclaimed roads will no longer function as trails when the plain language of the DN and EA repeatedly omit the prohibition against them serving as trails and instead focuses on making them simply impassable to motor vehicles? In a single paragraph on page 2-22, for example, the EA claims ISS roads "will be made impassable" and then claims that roads "with proposed trail templates would remain passable for horse, foot and bike traffic."

Similarly, the DN, at 7, states that roads "with trail templates would remain passable for horse, foot and bike traffic" even though A19 requires that reclaimed/ decommissioned roads be re-vegetated so they no longer serve as any type of road or trail. The EA and DN on the one hand state that there will be bike trails on ISS roads. On the other hand, pages 42-43 of the DN claim that the bike trails will be on "existing open" roads.

Why does the DN state that trails on ISS roads would remain passable for bikes if they are on existing open roads to begin with? We can't find where the DN states these currently open roads are going to be put in ISS, so what is going on?

Same goes for the DN statement on page 6: "ISS roads: The first portion of the road (50 to 300 feet) will be recontoured to the original hillslope except for roads with proposed trail construction." Firstly, this begs the same question as immediately above: "Why the different treatments if there are to be no trails on ISS roads?" Secondly, A19 requires that the first "200 to 600 feet" of a reclaimed road be "treated in such a manner so as to preclude its use as a motorized or non-motorized travel way." The proposed ISS treatments are not consistent with the A19 definition of "reclaimed" in spite of DN claims to the contrary.

Moreover, the DN and EA continue to argue that non-motorized human use is not a primary concern even though it displaces bears (DN at 91). So why should we believe the Project intends to insure that reclaimed roads, including ISS roads, will be treated to insure there is no human use of the road template?

It is of no comfort that the May EA, at 3-184, concludes:

No new roads open to public motorized use would be constructed under either action alternative. All new and restricted roads used for project activities would be closed to public access during and after activities. All temporary and system roads would be reclaimed after completion of project activities.

This claim to good behavior and road reclamation is contradicted throughout the DN and EA, as described previously. Frankly, we can't make heads or tails out of the DN and EA, though we are pretty sure the Flathead does not intend to reclaim all the system roads after the project. It appears the Flathead wants to take credit for treating ISS roads to meet A19's definition of "reclaimed" while not actually doing so and insisting that A19 does not apply to the Lazy Creek Subunit - all while providing no adequate substitute for A19 in that Subunit.

We ask in this Objection that A19 be applied to the Lazy Creek Subunit and that reclaimed roads be counted in Total Motorized Route Density (TMRD) calculations until the road treatments become effective. The EA needs to account for the time period during which reconstructed historic roads and temporary roads continue to count in TMRD after the logging and reclamation treatments are done and until the reclaimed road is adequately re-vegetated to physically prohibit human use of the road - not just motorized use.

Otherwise, there is no accounting in the EA for the impacts of human use of "reclaimed" or ISS road templates until they are adequately re-vegetated. Instead the EA ignores the impacts and allows some ISS roads to be used as trails. We detail this argument in our Objections to the Flathead's Beaver Creek, Cold Jim and Glacier Loon Projects, to name a few. (See our Beaver Creek complaint and summary judgment briefs in DVD Folder 02 and our Glacier Loon and Cold Jim Objections in Folder 0).

Moreover, the DN at 4 is flat wrong in essentially claiming that there is no difference between an ISS road and a reclaimed/decommissioned road, other

than that an ISS road retains a number in the road system. A decommissioned road (also a reclaimed road under A19) is to be managed “with the goal of reestablishing vegetative cover on the roadway . . . within ten years.” (16 USC 1608(b)).

The May EA, at 3-184, confuses the issue by apparently discussing reconstructed historic roads retained in the system alongside temporary roads. At least that’s the only sense we can make of the statement: “All temporary and system roads would be reclaimed after completion of project activities.” The FS does not commit to fully re-vegetating either class of roads, in violation of A19 and 16 USC 1608(b).

And so the Flathead misleadingly goes about chasing its tail, arguing it must rebuild roads, then add the roads back into the system so they can be reclaimed and later rebuilt again? Sounds like a perpetual federal make work project to us that will most assuredly not solve the weeds and other problems created by roads. Maybe the Flathead should instead plan for and arrive at a sustainable “minimum road system” as required by the Travel Planning Regulations?

As discussed in more detail in our Forest Plan Objection (DVD Folder 00) and Roads to Ruin report (DVD Folder 04), A19 does not allow for an increase in the Flathead’s road system. Roads must be decommissioned, not just reclaimed, to be omitted from calculations of TRD/TMRD/TMAD - and there can be no increase in TRD/TMRD/TMAD under A19. (See also Section F, below).

The May EA states clearly, on page 3-182, that the Canyon McGinnis and Werner Creek Subunits currently fail to meet the already-relaxed/amended A19 parameters for OMAD/TMAD/Security Core and will continue to fail following this Project: “The existing conditions of these subunits does not meet the amended standards, however, access parameters would not be affected in either subunit through project activities.” The Flathead is required by FWS’s BiOps on the continued implementation of A19 to make progress toward full achievement of the OMAD/TMAD/Security Core objectives. The Project does not do this and so violates A19 and the ESA. It is entirely disingenuous to increase recreational access in the Project area and rebuild historic roads while not taking the road closure and reclamation/decommissioning measures necessary to meet A19.

B. Trails

As discussed in the above Roads section, the DN and EA fail to adequately describe where trails will or will not be developed on existing roads or historic roads. They instead provide conflicting statements about ISS roads being at the same time impassable and yet passable to bike, foot and horse. They instead claim ISS roads will be reclaimed per A19 and yet remain passable to bike, foot and horse. They instead allow these exemptions for continued human use while simultaneously stating all bike trails on roads will be on roads that already exist and are open roads.

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The only way we can make sense of this is to assume a formal trail system of 28 miles is being proposed while an unspecified informal trail system will be allowed to persist on temporary, historic and ISS roads - which is unlawful. The DN, at 80, is of little help in stating broadly that there are “historic trails, roads and transportation corridors in the project area . . . we intend to utilize these features, **when found** if they can be effectively integrated to improve sustainability and efficiency of the trail.” (Emphasis added).

This does not square well with page 82 of the DN, which boldly claims: “There are currently no known illegal mountain bike trails in the project area on national forest land.” It squares better, though unlawfully, with the Taylor Hellroaring Project Scoping Document:

Most of the dispersed recreational activity occurs on or adjacent to the system of year-round open roads, seasonally open roads or **historic road templates . . . there is also unauthorized/illegal motorized use** within the project area. This includes motorcycle and ORV use in summer and snowmobile use in closed areas in winter.

(Emphasis added). Are we to believe there is not a single illegal mountain bike trail on FS land in the Project area? Or is it that the FS has not yet found them, or found them and refuses to call them illegal?

How is it that the local mountain bike community knows this area so well and participated in the collaborative that resulted in this Project proposal (DN at 75) if it isn't already biking in areas off of System roads and trails? The local mountain bike community illegally established bike trails on private Stoltze land in Haskill Basin and was later caught advocating for Stoltze and FWP to retain those trails for bike use in a conservation easement (just as it did on DNRC lands on Spencer Mountain).

Are we to believe mountain bikers are totally behaving themselves and not establishing a single illegal mountain bike trail on FS land in the Project area? The DN and EA fail miserably to account for the impacts of current recreational use, fail to adequately detail where System and informal/illegal trails will be allowed to persist on historic roads and elsewhere, and fail to adequately assess the impacts of the proposed trail system additions.

For example, page 84 of the DN responds to public comment in part by referencing Trails L8 and C5. On the DN's Proposed Trails map for the Selected Alternative, however, we find two entirely separate Trail L8s and no Trail C5.

Moreover, the proposed trail system will impact the Hellroaring Basin on its southern, western and northern sides. Hellroaring is already being heavily impacted by Whitefish Mountain Resort on the eastern side. This violates the mitigation measures placed on the 1995 Big Mountain Expansion decision in 1995 to maintain grizzly bear habitat security in the Hellroaring drainage. (See the May EA at 3-183).

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In DVD Folder 28 we include photos of illegal bike trails and “features” in Hungry Horse’s Lion Hill area. There the FS wants to bring these illegal trails into the System and partner with the mountain bike community to maintain them.

Photos 10-19 show there is considerable use and unlawful construction of banked corners of the trail above road #5312. Photos 25 - 36 show the proposed trail that appears to get substantial use as it drops from the end of road #5312 down to the trail around Lion Lake. Photo 25 shows a wide corner that would likely be taken at even higher speeds by mountain bikers if the vegetation is trimmed back to provide longer line-of-site as proposed. Photos 25, 26 and 29 show jumps indicating bikes are using speed rather than caution. Photos 28 and 30-32 show corners that have been banked to increase bike speed. Photo 33 and especially 34 show where the trail has been widened to accommodate bikes jumping off the rock in the foreground and landing to the right of the trail tread (with a 42” hiking pole for width reference).

The FS is absolutely wrong-headed in taking its cues from a mountain biking collaborative and in arguing it needs to seek partnerships with mountain bikers in order to be able to afford proposed trails. Our Hungry Lion photos show that the type of trail mountain bikers are willing to maintain is precisely the type of high-speed trail cautioned against in the habitats of bears and mountain lions, as well as absolutely at odds with public safety and the fair sharing of trails with hikers and horseback riders.

The flawed and circular notion of enlisting biased recreation partners to plan and maintain unaffordable trails will put the Flathead in the same position that partnering with the timber industry has. The May EA’s section on invasive weeds is clear: weeds exist in the project area and will be spread by the building/rebuilding of roads and logging equipment, with the No Action alternative having the least risk of spreading weeds. Yet the DN chooses to build roads, rebuild roads, build trails, and conduct logging - all of which the EA says will spread weeds. These partnerships are a sham; real friends don’t let friends drive drunk.

Last, but not least, the DN at 71 fails to respond to public concerns that the EA provides an inadequate range of alternatives, with Alternative 3 proposing two-thirds the miles of bike trails proposed in Alternative 2. The DN and EA fail to analyze an alternative with proposed new bike trail construction mileage between 0 and 28 miles or with proposed bike trail overlays on road mileages between 0 and 15.

The DN also makes unsupported conclusions that Trail R1 will not increase use of the Werner Lookout area (DN at 73) and that no new OSV use is expected on temporary and ISS roads and skid trails. This is contrary to the finding that unlawful snowmobile use is occurring in the area (Scoping Document page 8). While we appreciate that Trails C3 and C4 were dropped from the Selected Alternative to not better connect human use to the grizzly bear Security Core surrounding the Smoky Range NRT (DN at 83), it is not assured that

summertime connections will not be made anyway via the corridors kept clearer of vegetation for OSV Trails both to the east and west of C3 and C4.

C. Travel Planning

1. Neither the EA or DN/FONSI provide an adequate assessment of the funding needed to maintain and manage the current road and trail system, the Project system or the Minimum Road System (MRS), in violation of the NEPA, Travel Planning regulations, and the Administrative Procedures Act, among others.
2. Nowhere do the EA and DN/FONSI disclose the funding needed to maintain the current road and trail system, Project system or MRS in either the Taylor Hellroaring area or across the Flathead National Forest.
3. Initial Forest Plan Revision documents in 2004, however, found “The Flathead National Forest needs \$6.2 million each year to maintain its road system, but receives less than \$1 million.” (USFS Western Montana Planning Zone; Analysis of the Management Situation; Draft Version 1; 2/23/2004).
4. The EA leaves the public and decision-maker wholly uninformed about how much of the funding needed for fully maintaining the MRS in the area will or will not be provided by the Project.
5. Neither the EA or DN provide an adequate assessment of the funding needed to maintain and manage the current road and trail system, the Project system or the MRS. This renders the entire analyses arbitrary, capricious, and an abuse of agency discretion - in violation of the NEPA, Travel Planning regulations, Administrative Procedures Act, and other laws detailed below.

D. Best Management Practices for Water Quality

1. The EA and DN/FONSI, in failing to plan for and implement an affordable and sustainable MRS, also fail to provide for the full implementation of all measures needed to minimize adverse impacts on resources. The laws this violates include but are not necessarily limited to the NEPA, National Forest Management Act, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.
2. BMPs must be fully implemented to comply with Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, and the Clean Water Act. Moreover, BMP's are required as both Forest Plan standards and Forest Service Manual directives for projects - meaning their full implementation is required by the NFMA as well.
3. The Project EA fails to disclose important factors regarding BMPs that the Flathead has disclosed in other Projects. The Hungry Lion EA for example, at

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192, finds “road treatments such as BMP improvements can reduce sediment delivery within one year, and these effects can persist for several years. By contrast, forest treatments such as timber harvest can change hydrologic processes and disturbance regimes for several decades.”

4. In other words, the positive effects of BMPs are short-lived while the negative effects of logging are long-lived. Yet the Forest Service relies on timber sales to fund haul route BMPs (e.g. Hungry Lion EA at 31 and 36; Project EA at 2-11, -12)!

5. It is clear the EA and DN fail to identify and secure funding needed to provide for the timely, orderly and continual application of BMPs to all roads in either the current system, Project system or MRS. Nor do they in the alternative arrive at a smaller MRS to which all BMPs can be fully applied continually under current funding levels.

6. The failure to either provide adequate funding to fully maintain the road and road closure system, or to reduce the system to a size that is adequately funded, also results in unmitigated impacts to other forest resources including but not limited to terrestrial wildlife such as elk, species dependent on old forests and snags out of reach of firewood cutters, and threatened species such as lynx, bull trout, grizzly bear, and likely soon, wolverine. And the EAs fail miserably to describe the effects of inadequate funding and road maintenance on these and other resources.

7. The laws this violates include but are not necessarily limited to the NEPA, NFMA, ESA, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

E. Invasive Weeds

1. Similar to the bias towards logging in order to apply BMPs to haul routes, the EA notes the need to designate haul roads in order to treat them for weeds. (EA at 2-21).

2. These biases also reveal the agency’s and Flathead National Forest’s overall and unacceptable bias to build roads into every corner of the suitable timber base in order to allegedly make timber sales “economical.” The Flathead, however, provides absolutely no economic analysis demonstrating that the American taxpayer can afford such a road system or that the resulting timber sales will cover the costs of building and adequately maintaining those roads in perpetuity. If this pipe dream were based in reality, the agency would not have the \$10 billion backlog in needed road maintenance discussed below in Section F, nor would the Flathead National Forest receive less than one-sixth the funding it needs to maintain its share of that road system, as discussed above!

3. To highlight these shortcomings, we note the DN’s response to public comments asking for better information about previous NEPA decisions

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regarding roads in the Project area (page 64): “There isn’t any previous NEPA decisions for roads within the project area.”

Seriously? The Flathead has conducted no NEPA analysis and issued no NEPA decisions regarding roads in the Project area since NEPA was issued in 1969? If this is true, then it highlights the degree to which the Project EA is inadequate, fails to provide the adequate level of NEPA necessary to implement the minimum road system called for in the Travel Planning Regulations, and fails to provide the adequate level of NEPA omitted from the Travel Planning process.

4. These shortcomings lead to a Project that fails to conduct any road decommissioning (DN at 63) and will instead increase road templates, haul roads and weeds, making matters all the more unacceptable. This violates NEPA, NFMA, Endangered Species Act, Clean Water Act, Montana State Water Quality Standards, Montana Streamside Management Zone Regulations, Clean Air Act, and Migratory Bird Treaty Act.

F. More on Non-Compliance with Flathead Forest Plan Amendment 19.

1. The EA and DN fail to comply with Amendment 19 by attempting to replace Amendment 19’s requirements for “reclaimed” roads with various levels of “Intermittent Store Service” (ISS) roads and “rehabilitated” temporary roads. This it does while claiming that ISS roads will meet the A19 definition of reclaimed, even where A19 reportedly does not otherwise apply.

2. Amendment 19 states: “A reclaimed road has been treated in such a manner so as to no longer function as a road or trail and has a legal closure order until reclamation is effective. . . The acceptable lag time for the treatment to become effective and the expected persistence of people to continue to use a road should dictate the amount and type of initial, and perhaps follow-up, treatment required. Greater initial revegetation and barrier work will be required if the expectation is to meet reclaimed road criteria in one year as opposed to ten years . . .” (DVD Folder 01: Amendment 19 Appendix D a.k.a Flathead Forest Plan Appendix TT)

3. In other words, a road is not to be considered “reclaimed” until re-vegetation and other barriers to human travel have had time to become effective at preventing the road’s use as either a motorized or non-motorized travel-way to any degree larger than incidental use of the adjacent forest area. Indeed, grizzly bear avoidance of road closed to motorized vehicles gives rise to the importance of limiting TRD, not just Open Route Density (TRD).

4. FWS, in its 10/25/2005 Biological Opinion on the continued implementation of Amendment 19 (page 10) summarizes relevant research this way:

“Amendment 19 established programmatic direction for access management on the Forest. Amendment 19 was developed to minimize negative impacts from motorized access identified in the 1987 Grizzly

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Bear Compendium (IGBC 1987), and was based on recommendations of the 1994 IGBC Taskforce Report and the 1993 progress report for the South Fork Grizzly Bear Project (Mace and Manley 1993), commonly referred to as the South Fork Study. The study area was west of Hungry Horse Reservoir, in the Swan Mountains. Mace and Manley's progress report and previous research (Mattson et al. 1987, McLellan and Shackleton 1988, Aune and Kasworm 1989, Kasworm and Manley 1990) supported conclusions that **grizzly bears consistently were displaced from roads and habitat surrounding roads often despite relatively low levels of human use**, and that substantive blocks of unroaded habitat were important to grizzly bears, especially female grizzly bears with cubs."

(Emphasis added to highlight that the research found bears were displaced by relatively low levels of **human** use, not just **motorized** use). We incorporate the whole of the 2005 BiOp and the above referenced research as a part of this appeal. The 2005 BiOp can be found in Folder 01 of the companion DVD.

5. Amendment 19 requires that roads be reclaimed and re-vegetated in a way that physically prohibits human use in order to lower TRD. In contrast, a few roads may be simply bermed to increase Security Core area. Gates are allowed only to lower ORD. These very important differences in road closure methods and requirements arise from the South Fork Grizzly Bear Study findings that female grizzly bears significantly avoid otherwise preferred habitats near roads, even those closed with gates or berms. Hence, the critical reliance on road reclamation to lower TRD and its preference in securing Core.

6. The EAs and DN, however, proposed ISS and temporary road "rehabilitation" treatments that not only fall short of an effectively "reclaimed" road, but provide for the road template to be reused in the future, regardless of whether the road has ever been adequately re-vegetated or has ceased to be used by humans.

7. The EAs and DN fail to adequately calculate and assess the impacts of TRD to grizzly bear, largely by failing to apply A19 or similar conservation standards to the Lazy Creek Subunit. If A19 were applied, the EA and DN mistakenly would remove ISS and rehabilitated temporary roads from calculations of TRD immediately - in defiance of Amendment 19 requirements. For a more detailed description of why reclaimed roads must be fully revegetated before being adequately reclaimed and omitted from calculations of TRD/TMRD/TMAD, see our Beaver Creek summary judgment response to reply brief in Folder 02 on our companion DVD.

8. See also the 10/25/05 BiOp on A19, page 75, in DVD Folder 01: "Reclaimed, also called obliterated or decommissioned, road is treated in a manner to no longer function as a road. Barriers and revegetation of roadways are minimum treatments."

9. Indeed, Flathead National Forest has tried unsuccessfully to circumvent these Amendment 19 requirements before. On May 11, 1999 the Flathead Forest Supervisor issued LRMP Implementation Note #13, allowing stream-aligned

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culverts to remain in reclaimed roads and relaxing criteria for determining when a reclaimed road is effectively no longer a road or trail and can hence be omitted from TRD calculations (DVD Folder 18).

10. Appellants' attorney filed a 60-day notice of intent to file suit under the Endangered Species Act, challenging Note #13's negative effects on threatened grizzly bear and bull trout (DVD Folder 18).

11. The Forest Supervisor rescinded Note #13 on November 19, 1999 (DVD Folder 18) and simultaneously assured appellants' attorney the "Forest Service will apply the definition of 'reclaimed road' under Forest Plan Appendix TT . . ." (attached). Similar assurances were issued appellants 2/7/00 (DVD Folder 18).

12. This brings us full circle to the Taylor Hellroaring Project. The EA and DN would consider ISS and rehabilitated temporary roads immediately "reclaimed," in clear violation of Amendment 19, Appendix TT, the rescission of Note #13, and written commitments made to appellants. This even though the EA and DN claim ISS roads will meet A19 definitions of "reclaimed."

13. These and other facts show the Flathead National Forest is still attempting to end-run Amendment 19 and to continue implementation of a rescinded Note #13. See in DVD Folder 01, for example, Flathead National Forest's 3/23/15 Road Decommissioning Projects spreadsheet. The yearly totals on pages 19 and 20 show that the column "Category 3 Roads Reclaimed & Left as System Roads, Still Monitor for A19" was initially used for newly "reclaimed" roads that were not yet adequately re-vegetated in order to be removed from the "system" and considered "effectively reclaimed." Even though Implementation Note #13 was issued and rescinded in 1999, the spreadsheet shows that roads reclaimed thereafter were immediately removed from the "system," even though they had not yet been adequately re-vegetated.

14. The Flathead itself made clear that reclaimed roads cannot be omitted from the calculation of TRD/TMRD/TMAD until the revegetation work has become effective at deterring human use, not just motorized use. See in particular the (First) Supplement to our Roads to Ruin/TMRD report in Folder 04 of our companion DVD (Supplement to Roads to Ruin 171205.pdf). Attached to that Supplement is the 3/2/01 letter from the Flathead to FWS stating:

Some roads that have all reclamation work completed are still counted in calculation processes. Roads utilized in Total Access Density include roads for which reclamation work has been completed, pulling of culverts, installation of drainage dips, distributing of rocks or debris on the road surface, but the road has not revegetated to the level required to meet Amendment 19 reclamation requirements. These roads have all reclamation work completed, but still must be counted for Total Density calculations.

15. In spite of the clear language of A19 and the Flathead's own interpretation of it, the Flathead is now fully engaged in attempts to end-run A19 through projects

like Taylor Hellroaring and through a false accounting of A19 in the revised Forest Plan EIS.

16. The Flathead's Taylor Hellroaring Project and the continued attempts to end-run the requirements of Amendment 19 constitute irretrievable and irreversible commitments of resources in violation of the NEPA, NFMA and ESA.

G. Other Resources Short-Changed by Road Reclamation Short-Cuts

1. Grizzly bear and native vegetation are not the only resources to be harmed by failing to fully reclaim and re-contour harmful roads. Aquatics and fish are harmed also.

2. However, nowhere do the DN and EA provide an adequate discussion or assessment of the importance of maintaining subsurface water flow that is often interrupted and turned into surface flow by roads cut into hillsides. These documents fail to provide a rationale for deciding whether to build a road in the first place and whether re-contouring a road during decommissioning or reclamation can effectively return that water to sub-surface. The Flathead's project area TAs and Forest-wide TAR are similarly flawed, as discussed in our comments on the TAR (DVD Folder 29) and our Glacier Loon Objection (DVD Folder 0).

3. Other assessments point to the importance of fully and faithfully reclaiming roads for fish. For example, FWS's August 14, 1998 *Biological Opinion on INFISH and PACFISH* found reductions in road densities and "rehabilitation of road-miles cannot be accomplished alone by gating, berming, or otherwise blocking the entrance to a road permanently or temporarily, or seasonally closing roads, but will require obliteration, recontouring, and revegetating." Indeed, Amendment 19's road reclamation requirements, when faithfully implemented, can be viewed as working hand-in-hand toward what is necessary to avoid "jeopardy" to bull trout, accomplish bull trout recovery and benefit other fish.

4. The EA and DN lack scientific integrity and pursue the same old tired path of trying to keep too large a road system on the landscape. We urge the Forest Service to visit the following web page for a discussion of how road re-contouring can greatly shorten the watershed recovery timeline: <http://y2y.net/our-work/updates-from-the-field/ground-breaking-research-in-road-restoration> . We also incorporate this and Rebecca Lloyd's pending research papers into the Administrative Record for this Objection and Project. We have also included Lloyd et al's 2013 paper "Influence of road reclamation techniques on forest ecosystem recovery" in DVD Folder 15.

5. The EA's and DN's reliance on, at best, pulling stream-bearing culverts from a handful of reconstructed "historic" and new "temporary" roads in the Project, then dismissing them from TRD/TMRD/TMAD calculations and other acknowledgements of their continued negative impacts simply does not cut the

mustard. This is arbitrary, capricious, an abuse of agency discretion, and not in accordance with law.

H. Visual Quality

1. The DN, at 5, lists 13 logging units that will violate MA-7 limits on size intended to protect visual quality! Here and elsewhere the DN and EA proposes a project-specific amendment to the Forest Plan to allow these violations of MA-7 standards.
2. This is a wholesale abandonment of MA-7 standards in the Project area, not a limited exception for extraordinary circumstances. The scope of the proposed amendment requires that it be conducted as a major amendment to the Forest Plan, not as a project-specific amendment.
3. Why have a Forest Plan with visual quality objectives and standards if you don't intend to make every effort to comply with them? The public and the Forest Plan call for adequate retention of visual quality, so rework this proposal to accomplish that desired future condition.

I. Epilogue

1. It is worth noting that Deputy Chief Joel Holtrop's 11/10/10 directive launching the Travel Analysis Process included the premise and finding that "this process points to a smaller road system." (Attached to our Glacier Loon Objection in DVD Folder 0). It is also worth noting that Joel Holtrop authorized A19 as Flathead Forest Supervisor.
2. While Deputy Chief Leslie Weldon's subsequent 3/29/12 directive removed these words, the agency cannot escape the fact that its road system is too large, too expensive, environmentally damaging, and needs to be reduced.
3. Indeed, Chief Mike Dombeck in 1998 stated the Forest Service road system was overbuilt and under-funded. With a \$10 billion backlog in needed road maintenance, Dombeck stated "Only about 40% of forest roads are maintained to the safety and environmental standards to which they were designed." (Dombeck press release; 1/22/98; attached to our Glacier Loon Objection in DVD Folder 0).
4. Our comments on the EA included a number of citations to research and other sources demonstrating watershed restoration requires fewer roads, not fewer trees. We have since filed Objections to other Forest projects, like Glacier Loon, Hungry Lion and Cold Jim, and asked that they be included in the Taylor Hellroaring administrative record. These Objections are included in DVD Folder 0. We also incorporate by reference all of the sources cited in these Objections.

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5. The EA and DN/FONSI have stood common sense and the entire process on its head in arguing that it intends to arrive at its “minimum road system” by building more “temporary” roads and by reconstructing “historic” roads. Taylor Hellroaring, in conjunction with other projects like Trail Creek Salvage, Glacier Loon, Cold Jim, Hungry Lion, and Bug Creek - along with the revised Forest Plan - falsely claim that A19 and the grizzly bear research allow an unlimited number of stored and less than fully reclaimed roads to exist because non-motorized human use does not present a mortality risk to grizzly bears. Research, including research relied upon by the Forest Service, does not support this conclusion (see page 6 of our Revised Forest Plan Objection in DVC Folder 00).

6. Indeed it appears Flathead National Forest intends to build more permanent roads both within and outside the NCDE Grizzly Bear Recovery Zone, even though it may feign “reclaiming” some these roads. It is trying to get away with this by not truly decommissioning the roads it wishes to omit from calculations of and limits to TRD/TMRD/TMAD. Nowhere, however, has the Flathead clearly described its intentions Forest-wide in spite of numerous meetings with objectors to discuss this very issue, let alone described its intentions in adequate NEPA documents made available for public review.

The Flathead has bastardized A19 through a steadily declining commitment to its implementation and a revisionist history and misrepresentation of A19 through its Forest Plan revision process and various project NEPA documents. The details of this are described fully in our Revised Forest Plan Objection and our Roads to Ruin report and its supplements, found in DVD Folders 00 and 04, respectively.

8. And, last but not least, the Flathead National Forest’s longstanding position is dumbfounding in that leaving roads and culverts to spread weeds, violate BMPs and dump dirt into streams does not require NEPA, but any decision to do something about it does require NEPA and inevitably also “requires” more road building and logging. How reassuring!